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DATE October 29, 2002

	NAME	FAX	PHONE
TO	Nashaat T. Nashed, Ph.D. United States Patent and Trademark Office	703-308-3804	703-305-6586

FROM David Maher (650) 849-4800 (650) 849-4908
david.maher@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 3

RE Application Serial No.: 09/367,013

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

Message:

650.849.4400
650.849.4800 fax

bingham.com

Boston
Hartford
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Washington

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Docket No. 15611-7032

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Nashaal T. Nashed, Ph.D. at Facsimile No. (703) 308-3804 at 4 a.m./p.m.

Dated: October 29, 2002Name of Person Certifying: Sheila HenriquezPrinted Name: Sheila Henriquez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Deborah Knutson, Pradip Mukerji, Yung-Sheng Huang, Jennifer Thurmond, Sunita Chaudhary, Amanda Eun-Yeong Leonard
 Assignee: Calgene, Inc./Abbott Laboratories
 Serial No.: 09/367,013 Examiner: N. Nashed
 Filing Date: August 5, 1999 Group Art Unit: 1652
 Title: METHODS AND COMPOSITIONS FOR SYNTHESIS OF LONG CHAIN POLYUNSATURATED FATTY ACIDS

Terminal Disclaimer

Commissioner for Patents
 Washington, D.C. 20231

Sir:

The owner(s), Monsanto Company, having a place of business at 800 N. Lindberg Boulevard, St. Louis, MO 63167, and Abbott Laboratories, having a place of business at 100 Abbott Park Road, Abbott Park, IL 60064, of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the latest expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent(s) No(s). 6,136,574, 6,075,183, and 5,968,809. The owner(s) hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner(s) do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer or as

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The undersigned is an attorney or agent of record.

The Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment, to Deposit Account No. 50-1189, Docket No. 15611-7032.

Date: October 29, 2002

Respectfully submitted,

By: David W. Maher

David W. Maher

Registration No. 40,077

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4908
Telefax: (650) 849-4800